

# BOARD OF ZONING APPEALS

## MINUTES

6:30 PM

April 15, 2015

City Council Chambers

**MEMBERS PRESENT:** Leanne Cardoso, Bill Burton, Linda Herbst, and George Papandreas

**MEMBERS ABSENT:** Jim Shaffer

**STAFF:** Christopher Fletcher, AICP

**I. CALL TO ORDER AND ROLL CALL:** Cardoso called the meeting to order at 6:30 PM and read the standard explanation of the how the Board conducts business and rules for public comments.

**II. MATTERS OF BUSINESS:**

**A. Minutes for the March 18, 2015 hearing:** Burton moved to approve as presented; seconded by Papandreas. Motion carried unanimously with Cardoso abstaining due to her absence.

**III. UNFINISHED BUSINESS:** None

**IV. NEW BUSINESS:**

**A. V15-23 & V15-24 / Hardwood Interiors, Inc. / 936 Riverview Drive:** Request by Reg Messenger, on behalf of Hardwood Interiors, Inc., for variance relief from Article 1333.04 concerning setback encroachments; Tax Map 15, Parcels 33.1 and 34; R-1, Single-Family Residential District.

Fletcher presented the Staff Report.

Cardoso recognized Reg Messenger of Hardwood Interiors Inc., who stated the company purchased the home and plans to remodel the inside and construct a garage and front portico to the house. Adding a garage would increase the property value and enhance the sale of the house.

Cardoso asked if a garage could be constructed that would meet zoning requirements on the property. Messenger explained the house takes up a lot of the width of the property and the house is not positioned for a garage. They chose to construct the garage on the left side of the house and plan to keep the appearance conforming to other houses in the neighborhood.

There being no further comments or questions by the Board, Cardoso asked if anyone was present to speak in favor of or in opposition to petitions V15-23 and/or V15-24.

Cardoso recognized Philip Kirk of 940 Riverview Drive who stated he is an adjoining property owner and is in favor of the proposed project as it would be good for the neighborhood.

Cardoso recognized Marion Costca of 895 Fairfax Drive who asked if the petitioner considered constructing the garage to the rear of the property so that it could be accessed from the rear alley.

Cardoso recognized the petitioner, Reg Messenger of Hardwood Interiors, Inc., for a chance at rebuttal. Messenger explained the garage is designed for easy accessibility into the home.

Burton noted there is an alley to the rear of the property and asked if the petitioner considered accessing the garage from that direction. Messenger stated he did not consider constructing the garage to the rear of the property with access from the alley due to the elevation drop from front to back.

There being no further comments, Cardoso declared the public hearing closed and asked for Staff recommendations.

Fletcher read the Staff recommendations for V15-23.

Papandreas made a motion to find in the affirmative for the all the Findings of Facts for V15-23 as revised; seconded by Burton. Motion carried unanimously.

*NOTE: The following Finding of Fact was included in the motion.*

Finding of Fact No. 1 – The variance will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents, because:

The new attached single-car garage, along with a completely new front façade, should improve the property value and the value of the properties adjacent to this newly improved property. The proposed side setback encroachment should not harm public interests or the rights of adjacent property owners.

Finding of Fact No. 2 – The variance arises from special conditions or attributes which pertain to the property for which a variance is sought and which were not created by the person seeking the variance, because:

The existing home was constructed over 30 years ago and a garage was not planned as part of its placement on the lot. In order to improve their home and increase the property value, it appears necessary to encroach into the minimum side setback requirement to construct a one-car attached garage. A detached one-car garage would only be required to have a side setback of five (5) feet; however, detached accessory structures are not permitted to be located any closer to the front property line than the principal structure (house). Additionally, the subject realty has approximately 35 feet less of frontage width along Riverview Drive than the properties on either side.

Finding of Fact No. 3 – The variance will eliminate an unnecessary hardship and permit a reasonable use of the land, because:

The current size and style/appearance of the home is not in keeping with the other homes on Riverview Drive. The square footage and number of bedrooms, 2, make the home unappealing to couples with children. Under a separate permit, applicant is requesting to add 3 additional bedrooms, updated larger kitchen, and a family room to the rear of the existing home, which does not require a variance, on a building permit approval. The addition will increase the finished square footage from 1,594 to 2,700 and with the addition of a garage and new front façade cottage look will be increased from its current dilapidated value of \$200,000 to approximately \$590,000 when complete, according to the petitioner. This should also improve the property value of the adjacent homes. The hardship arises due to the fact

that the increased property value and potential increased square footage inevitably requires a garage for most home buyers and many of the compatible homes on this street have attached garages on the front or sides.

Finding of Fact No. 4 – The variance will allow the intent of the zoning ordinance to be observed and substantial justice done, because:

The garage, front portico, new façade/cottage style home with increased square footage and bedrooms will increase the property value of this home and should as well the surrounding homes. The variance will allow for the property to be improved to its maximum value and improved the property's contribution to the surrounding built environment.

Papandreas moved to approve V15-23 as requested; seconded by Burton. The motion carried unanimously.

Fletcher read the Staff recommendations for Case No. V15-24.

Papandreas made a motion to find in the affirmative for the all the Findings of Facts for V15-24 as revised; seconded by Burton. Motion carried unanimously.

*NOTE: The following Finding of Fact was included in the motion.*

Finding of Fact No. 1 – The variance will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents, because:

The new attached single-car garage, along with a completely new front façade, should improve the property value and the value of the properties adjacent to this newly improved property. The proposed front setback encroachment should not harm public interests or the rights of adjacent property owners.

Finding of Fact No. 2 – The variance arises from special conditions or attributes which pertain to the property for which a variance is sought and which were not created by the person seeking the variance, because:

The existing home was constructed over 30 years ago and a garage was not planned as part of its placement on the lot. In order to improve their home and increase the property value, it appears necessary to encroach into the minimum front setback requirement to construct a one-car attached garage because of the width of the existing principal structure (house) in relation to the width of the subject development site. Additionally, the subject realty has approximately 35 feet less of frontage width along Riverview Drive than the properties on either side.

Finding of Fact No. 3 – The variance will eliminate an unnecessary hardship and permit a reasonable use of the land, because:

The current size and style/appearance of the home is not in keeping with the other homes on Riverview Drive. The square footage and number of bedrooms, 2, make the home unappealing to couples with children. Under a separate permit, applicant is requesting to add 3 additional bedrooms, updated larger kitchen, and a family room to the rear of the existing home, which does not require a variance, on a building permit approval. The addition will increase the finished square footage from 1,594 to 2,700 and with the addition of a garage and new front façade cottage look will be increased from its current dilapidated value of \$200,000 to approximately \$590,000 when complete, according to the petitioner. This should also improve the property value of the adjacent homes. The hardship arises due to the fact that the increased property value and potential increased square footage inevitably requires a garage for most home buyers and many of the compatible homes on this street have attached garages on the front or sides.

Finding of Fact No. 4 – The variance will allow the intent of the zoning ordinance to be observed and substantial justice done, because:

The garage, front portico, new façade/cottage style home with increased square footage and bedrooms will increase the property value of this home and should as well the surrounding homes. The variance will allow for the property to be improved to its maximum value and improved the property's contribution to the surrounding built environment.

Papandreas moved to approve V15-24 as requested; seconded by Herbst. The motion carried unanimously.

Cardoso reminded Mr. Messenger that the Board's decision can be appealed to Circuit Court within thirty days of receiving written notification from the Planning Division and that any work related to the Board's decisions during this period would be at the sole financial risk of the petitioner.

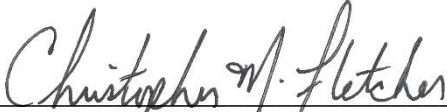
**ANNOUNCEMENTS:** Fletcher announced a special meeting for the Board has been scheduled for May 7, 2015 at 6:30 PM in Council Chambers to hear two (2) Administrative Appeals petitions.

**V. ADJOURNMENT:** 6:53 PM

MINUTES APPROVED:

May 20, 2015

BOARD SECRETARY:

  
Christopher M. Fletcher, AICP